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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,514	04/01/2004	Eiji Ina	02-117	6468
23400	7590	08/29/2005	EXAMINER	
POSZ LAW GROUP, PLC 12040 SOUTH LAKES DRIVE SUITE 101 RESTON, VA 20191			KRAMER, DEVON C	
			ART UNIT	PAPER NUMBER
			3683	

DATE MAILED: 08/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/814,514

Applicant(s)

INA ET AL.

Examiner

Devon C. Kramer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) 3 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2 4-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1) A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/19/085 has been entered.

### *Claim Rejections - 35 USC § 103*

2) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3) Claims 1-2 and 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bayliss (4033435).

In re claims 1 and 4-7, Bayliss provides a braking apparatus for a motor vehicle comprising: a main braking device (50) for applying a braking force to wheels of the motor vehicle in response to a press stroke of a brake pedal; a parking brake device (figure 1) operatively connected to the main brake device for applying parking brake force to the wheels at parking the vehicle, the parking brake device having a housing (1)

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and a speed reduction mechanism (23, 24, 25) having multiple gears housed in the housing, so that the rotational force of the electrical motor is transmitted to the main brake device over the speed reduction mechanism to apply the parking brake force; a fitting (32) or interconnecting portion enabling manual rotation of the electric motor when out of order; a through-hole (31) provided in the housing; wherein a machine tool can be applied to the fitting to manually rotate the electric motor.

Bayliss teaches a through hole through which an interconnecting portion of the shaft passes. Bayliss lacks the teaching of the interconnecting portion disposed in the through-hole wherein the motor is release when the machine tool passes through the through-hole.

Arnold et al teaches a through hole (opening where 80 is) through which a machine tool can be is inserted to manually turn the motor. Note that applicant claims that "air in the housing can be always ventilated via the through-hole". Please note that by removal of the plug, the housing of Arnold is vented. Arnold et al lacks the teaching of a vent pipe.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the release apparatus of Bayliss within a through hole as taught by Arnold et al, merely to protect the outer surfaces from the environment and to save space.

Oka teaches the use of a vent pipe with a pipe portion wherein the longitudinal length of the through-hole to attached is greater than the inner diameter of the through-hole.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the release assembly of Bayliss as modified by Arnold et al with a breathing pipe as taught by Oka to introduce cool air to the brake thus preventing overheating. Please note that the breathing pipe prevents materials from entering the brake because it makes the material travel a distance before it can reach the brake housing.

In re claim 2, See figure 1 of Bayliss.

In re claim 3, see gears 68 and 60 of Eddy.

#### ***Response to Arguments***

4) Applicant's arguments with respect to claims 1-2 and 4-7 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

5) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devon C. Kramer whose telephone number is 571-272-7118. The examiner can normally be reached on Mon-Fri 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DK

Devon C Kramer  
Examiner  
Art Unit 3683

*Devon Kramer* 8/24/05  
**DEVON C. KRAMER**  
**PATENT EXAMINER**